

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2604

William Robert Gibson,

Appellant,

v.

Premium Standard Farms, Inc.,

Appellee.

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* Appeal from the United States

* District Court for the Western

* District of Missouri.

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* [UNPUBLISHED]

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Submitted: March 5, 2004

Filed: March 25, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

William Robert Gibson appeals from the district court's¹ adverse grant of summary judgment in his Age Discrimination in Employment Act lawsuit. Upon our careful de novo review of the admissible evidence, we conclude summary judgment was proper because Gibson failed to submit evidence that Premium Standard Farm's (PSF's) stated reason for his termination--violation of PSF's policy against intentional

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

animal abuse--was a pretext for age discrimination. See Winkle v. S.W. Bell Tel. Co., 195 F.3d 418, 420 (8th Cir. 1999) (standard of review; burden-shifting analysis).

We also conclude Gibson's service-letter claim fails because he did not adduce evidence that PSF's stated reason for firing him was false. See Mo. Rev. Stat. § 290.140 (2000); Stark v. Am. Bakeries Co., 647 S.W.2d 119, 124 n.5 (Mo. 1983) (en banc).

Accordingly, we affirm.
